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Date: April 22, 1999

Number of Pages Transmitted
(including this page):7

Attorneys
885 Third Avenue
21st Floor
New York, NY
10022-4802
Tel (212) 848-1000
Fax (212) 688-2449

Direct tel

From: EUGENE C. RZUCIDLO

Direct Fax

Our File: 35853.1

Internet

To: EXAMINER FREDMAN

Company: PTO GROUP 1600
Facsimile: 703- 305- 3014
Phone:
City/Country:

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MESSAGE:

Dear Dr. Harwin:

In accordance with our telephone conversation, attached is a copy of your trident application.

Gene Rzucidlo

If any pages are not received or legible, please contact the facsimile operator at (212) 848-9557. Between 9:00 p.m. and 8:00 a.m. (Eastern Time), please leave a message.

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511/74156.04

042299/1159/99000.51013

OFFICIAL

Docket No. 35853.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FAX RECEIVED

Henrik STENDER et al

APR 22 1999

SERIAL NO.: 08/943,777

ART UNIT: 1643

GROUP 1600

FILED: October 3, 1997

Examiner:

FOR: NOVEL PROBES FOR THE DETECTION OF MYCOBACTERIA

**PETITION TO WITHDRAW THE ABANDONED STATUS
OF AN APPLICATION**Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is a petition to withdraw the abandoned status of the above-identified application.

Statement of Facts

1. The undersigned was contacted by telephone by Examiner Fredman who sought to verify if applicants wish to abandon the present application. The Examiner told the undersigned that a written restriction requirement had been sent to the Intellectual Property Department at Graham & James.

2. The undersigned obtained his copy of the present application and made a complete review of the file. No written restriction requirement was found in the file. The front cover of the file does not show any entry indicating the receipt of an official action from the USPTO other than a notice to file missing parts. A copy of the cover of the file is attached hereto as Exhibit 1.

3. It is the practice of Graham & James to docket the receipt of an official action from the USPTO in three separate places. One of the docket clerks enters the type of action and the mailing date of the action on the Patent Office Table on the cover of the application file. The official action is also entered into two separate computers each having a different docketing program. Prior to early 1999 the first docketing program deleted the official action when a response was filed. Hence, this program showed the outstanding official action and the presence of the action would continue until a response was filed. The second docketing program showed the receipt of the official action and also included a notation for the filing of a response.

4. Attached hereto is a printout from the first computer docket program for the present application. There is no notation for the receipt of any official action. In fact, the printout shows no pending official actions since a response was filed to the notice to file missing parts.

5. Also attached hereto is a printout from the second computer docket program. This printout shows the entry on June 23, 1998 of the notice to file missing parts received from the PTO on 6/22/98. The deadline for the response is shown as 8/18/98 and the printout shows that a response was filed on 7/23/98. There are no further entries indicating there were no pending official actions.

Request to Withdraw the Abandonment Status of the Application
and Remailing of the Action

It is respectfully urged that the above fact statement and hereto attached exhibits provide clear evidence that no further official action after the notice to file missing parts was received by applicants' attorneys in the present application. Applicants request that the PTO withdraw the abandoned status of the present application and also request remailing of the action which was not received so that prosecution and the merits of the application may proceed.

Early and favorable action is earnestly solicited.

If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 848-1046. The undersigned may also be contacted by e-mail at erzucidlo@gi.com.

AUTHORIZATION

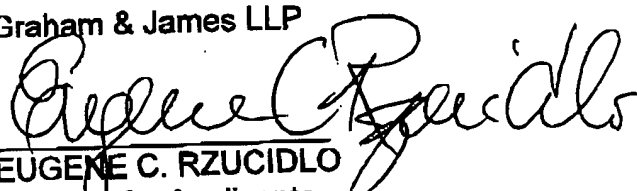
No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any deficiency in any fee associated with this communication only to our Deposit Account No. 07-1855.

Respectfully submitted,

Graham & James LLP

Per:

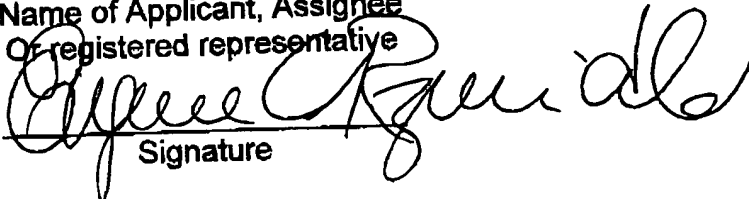

EUGENE C. RZUCIDLO
Attorney for Applicants
Registration No. 31,900
885 Third Avenue, 24th Floor
New York, NY 10022-4834
(212) 848-1000

Date: April 22, 1999

FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to Assistant Commissioner for Patents, Washington, D. C. 20231 on April 22, 1999.

Eugene C. Rzucidlo
Name of Applicant, Assignee
Or registered representative


Signature

April 22, 1999
Date of Signature

5 UPDATE 6 CLR 7 EXT

10 CHOICE
10 SHIFT

2290105 2261

MATTER/DOCKET UPDATE

CLIENT MATTER NO.: 35853.1

MATTER TYPE: PATENT

ATTORNEY: VINEET KOHLI

DESCRIPTION:

STATUS (A/I) :

PRINTED (P) :

CLIENT: DAKO

OWNER: DAKO

OWNER: DAKO
OUR BASIS: NOVEL PROCESS FOR THE DETECTION OF MYCOBACTERIA

APP. NO.: 08/943777

REG. / PAT. NO. :

APP. NO.: 08/943777
FIRST INVENT.: STENDER, HENRIK

TYPE: PATENT

COUNTRY:UNITED STATES

COUNTRY:UNITED STATES
AGENT:COMMISSIONER OF PATENTS & TRADEMARKS

REMIND BEFORE MONTHS
 DATES OPENED:06/23/1998 °DEADLINE DATE:08/18/1998
 DEADLINE TYPE:DECLARATION DUE

OPENED:06/23/1998 *DEADLINE DATE:08/18/1998
CLOSED:07/23/1998 *DEADLINE TYPE:DECLARATION DUE
EXT PERIODS: MAX.EXT'S:

DATES OPENED:06/23/1998 °DEADLINE TYPE:DECLARATION DUE
CLOSED:07/23/1998 °EXT. PERIODS: MAX.EXT'S: MAX.EXT.DATE:12/18/1998
REMINDER SET:08/18/1998 °

DETAIL DESCRIPTION:

ESTIMATED CHARGE:

1: FILED ON 7/23/98.

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PGUP

PGDN

13-Apr-99

Country Applications

Case Number: 35853.1

Country: US

SubCase: 15

Client: DAKO

United States of America

Case Type: ORD

Application Status: Pending

Application Number: 08/943777

Filing Date: 03-Oct-1997

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Tax Schedule:

Expiration Date:

Agent: COMMI

Agent Reference Number: 22901

COMMISSIONER OF PATENT

Case Number: 35853.1

US

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Outstanding Actions Due	Due Date	Indicator	Date Taken	
Foreign Filing Reminder	03-Apr-1998	Due Date		<input type="checkbox"/>
Foreign Filing Due	03-Oct-1998	Final		<input type="checkbox"/>
Information Dis Follow Up Date	19-Nov-1998	Due Date		<input type="checkbox"/>
Application Status Check	03-Apr-1999	Due Date		<input type="checkbox"/>

Remarks:

UserID: CPI	Date Created: 20-Nov-1997	Last Update: 20-Nov-1997
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